



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

VIRGINIA LAW REGISTER.

JNO. GARLAND POLLARD, EDITOR, Richmond, Va.

CHRISTOPHER B. GARNETT, GEORGE C. GREGORY, ASSOCIATE EDITORS.

Issued Monthly at \$5 per Annum. Single Numbers, 50 Cents.

Communications with reference to CONTENTS should be addressed to the EDITOR at Richmond, Va.; BUSINESS communications to the PUBLISHERS.

We present in this issue the likeness of Judge G. Taylor Garnett, of Matthews County, Virginia, the present judge of the Thirteenth Judicial Circuit. He was born near Montagues, Essex County, Virginia, October 2nd, 1846, at "Kalamazoo," the home place of his father, the late Thomas Burke Garnett.

He was educated by private tutors at home until he was prepared to enter the Virginia Military Institute, at which Institution he matriculated at the age of sixteen. During his first year at the Institute he volunteered with the corps of cadets, and served with that corps in the civil war, participating in the battle of New Market, where he was severely wounded. At the close of the war he ran his father's farm for a year, and decided to enter upon the law as a profession, going into the law office of the late Lieutenant-Governor, and Judge R. L. Montague, known as the "Red Fox." He was admitted to the bar in the county of Matthews in the year 1869, and soon thereafter was appointed commonwealth's attorney for the county of his adoption, serving in that capacity about twelve years. His conduct of the office of prosecuting attorney for his county was marked with earnestness, zeal and ability. His fearless ability and impartiality in discharging his duties of the office made him a terror to evil-doers, and he holds, perhaps, the record in the State of Virginia, for convictions of felony at a single term of any county court, having convicted and had sentenced to the penitentiary forty-nine dredgers under indictment for violation of the dredge laws of the State. His vigorous prosecutions of this class proved a great check upon their violations of the law, and dredging unlawfully is now almost unknown in his section.

He resigned the office of commonwealth's attorney to accept the judgeship of the counties of Matthews and Middlesex, which position he filled for eighteen years until elevated to his present position as Judge of the Thirteenth Circuit, having been continuously re-elected without opposition.

As a judge his demeanor has always been dignified and firm, yet entirely courteous, and his decisions have been given promptly and clearly rendered; and, as has been said of him recently by Col. Maryus Jones, of the Newport News bar, who has practiced before Judge Garnett's courts for the past twenty years, "No man upon the bench in Virginia is more completely dominated by an enlightened conscience" than he.

As an evidence of Judge Garnett's fitness and high qualifications as a *nisi prius* judge, we cite the fact that he was never reversed upon the law of a case during his continuance in office as county judge, and has not been reversed since his election as circuit judge, although in one case since that time the attorney general filed a confession of error in the selection of a jury under the new jury system.

While Judge Garnett is nothing of a martinet, he insists upon strict order and decorum in the court room, and by his industry and promptness has reduced the dockets of his circuit.

With this issue we close the discussion of the Torrens System. When this number reaches our readers Mr. Massie's bill will probably be under discussion before one of the committees of the General Assembly. We trust that our open symposium **Torrens Sym-** has thrown light on this important ques-
posium Closed. tion and that it will aid the General Assembly in reaching a conclusion as to the merits of the measure. We are glad to have been able to present the thoughts of able lawyers whose opinions are well worthy of great weight. The opposition to the bill comes in the main from the southwest, where, so far as we are informed, the leaders of the bar are well-nigh unanimous against the system. In other parts of the state, however, there is an almost unanimous demand for its enactment. We see no reason why the measure should be forced upon those who

do not want it. On the other hand, we do not think that the opposition from the southwest should deprive other sections of a privilege which they desire. We believe that the best solution for the question can be found by putting the bill into operation in those counties and cities where there is an unmistakable demand for it, with a provision that other counties or cities can, by some plan of local option, bring themselves within the operation of the measure when they shall so desire.

We are informed that in some of the judicial circuits the court dockets have become greatly congested and that it is impossible for the judges to promptly dispatch the business before the courts.

This condition will lead to a determined effort
New Circuits. to have the coming General Assembly create a number of new circuits. We do not know and therefore do not pretend to say whether the creation of any new circuits is necessary, but we suggest that the situation could be very much improved by requiring the judge of each circuit to appoint for each county a special justice of the peace to be known as "The Civil Justice," with jurisdiction in cases involving less than three hundred dollars. This would give the people quick decision of small claims and would probably save from one-fifth to one-third of the time of the courts of record. We believe that the judges could be relied on to appoint competent men and that the position could be made one of sufficient dignity to induce competent men to accept.

There is much food for thought in the recent article in our October and November numbers on Defects in Legislation by the Hon. Lewis H. Machen. Mr. Machen calls attention to the fact that
Defects in were not less than three hundred acts passed during
Legislation. the last fifteen days of the session. This does not include the many bills considered and rejected in the same period. The mere statement of these facts is, in itself, enough to show that these laws could not have had the proper consideration. As a remedy Mr. Machen suggests an

amendment to the constitution allowing the General Assembly to sit for ninety days with pay, and prohibiting the introduction of bills after the first sixty days. In view of the fact that the new constitution greatly lessened the work of the legislature by taking from it the power to enact certain local and private legislation, we are led to believe that sixty days is ample time for the biennial sitting. But we agree with Mr. Machen that the time for the introduction of new bills should be limited. We think it would be well to prohibit the introduction of any new bill after the fortieth day of the session. Mr. Machen is mistaken in his statement that such a constitutional provision has never been in force. It exists in the constitution of quite a number of states. The constitution of Michigan prohibits the introduction of a new bill after the first fifty days of the session, and other states have similar provisions. The evil at which Mr. Machen is aiming is truly a great one and should have been more effectually provided against by the Constitutional Convention. We sincerely hope that some step will be taken to correct the oversight. The Constitutional Convention attempted much in the way of correction of the evils of hasty legislation, but the General Assembly has not taken kindly to its efforts and have rendered of little avail section 50 requiring that no bill shall become a law unless referred, printed, and read at length on three different days in each house and a ye and nay vote taken, etc. Mr. Machen remarks that the Anglo-Saxon legislator will not permit himself to be utterly annihilated by a mere constitution, and says that whenever there are enough members present an emergency is declared and the constitutional reading is dispensed with, and when there are not enough members present for that purpose the clerk goes singing merrily through the bills, skipping anywhere from one-fourth to two-thirds and that nobody pretends to listen to the reading, and that nobody objects to the short cuts of the clerk. Here we consider the General Assembly at fault. If they would only listen to the reading of the bills there might be less legislation but there would be no hasty legislation. Instead of trying to consider carefully each bill as it appears on the calendar the object seems to be "to get through." The provision of which Mr. Machen complains is the result of the combined experience of the law-making bodies all over the United States, and many state constitutions have in them practically the

identical provision. It may be impossible if the provision is strictly complied with to consider every bill which is introduced, but it is far better to consider thoroughly a few bills than to pass many without due consideration. We believe further that the experience of the session of 1904 and that of the previous session does not furnish a fair test of the practicability of section 50, for the reason that both of the sessions referred to were burdened with new legislation incident to a change in the fundamental law.

We believe that careful consideration of legislation is greatly retarded by the disorder and confusion caused by the presence of visitors on the floor of the Houses. We hope that, now that the new Capitol makes ample provision for visitors in the galleries, both Houses will adopt and enforce such rules as will keep the visitors in the galleries. Making laws is a serious business and should not be interfered with.

We think Mr. Machen's suggestion with reference to the daily publication and distribution of a legislative record, giving a copy of every bill introduced and such parts of the journals of both houses and other documents as might be ordered to be printed therein, is a most excellent one. The people should be promptly informed as to proposed changes in the law and we doubt not that much bad legislation would be prevented by a widespread circulation of copies of proposed acts.

In what we have said we do not wish to be understood as having adopted the miserable fashion now current in some quarters of abusing the legislature. That body has always performed and will continue to perform patriotic and intelligent service.



JUDGE G. TAYLOR GARNETT
MATTHEWS COUNTY, VA.